IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12378 of 2005
Date of decision: 20-4-2007

Morepen Industries Ltd. ...Petitioner

Versus

State of Haryana and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. Sunil Panwar, Advocate, for the petitioner

Mr. Ashish Kapoor, Additional Advocate General Haryana

Mr. A.K.Pathania, Advocate, for respondent No.

K.S.GAREWAL, J.

Morepen Industries Ltd. acquired 74 Kanal 13 Marla of land in village Begumpur Khatola in 1989 for setting up a pharmaceutical research laboratory for development of herbal products. The said company applied for change land use, permission was granted in respect of 24 Kanals on December 1, 1993 and in respect of 31 Kanals 12 Marlas on April 7, 1994. No change land use was granted for 19 Kanals 1 Marla.

Notification under Section 4 was issued on December 15, 2002 for acquisition of the petitioner's land for development of an integrated complex for industrial, institutional, commercial, recreational and other public utilities in Begumpur Khatola and other villages. In the said notification only 19 Kanals 1 Marla of land of the petitioner was included in respect of which the petitioner had not been granted change land use. Petitioner filed objections on January 1, 2003 and May 8, 2003.

Nevertheless, declaration under Section 6 was issued on November 12, 2003.

The petitioner's case was considered by a high powered committee which recommended its acquisition because there was only a roofless unutilized shed at the spot.

This Bench in a case of Chattar Singh and others Versus The State of Haryana and others (Civil Writ Petition No.20139 of 2004 decided on April 2, 2007) had considered the public purpose stated in the notifications under Sections 4 and 6 of the Act for the purpose of setting up of the industrial complex to be planned and developed as Special Economic Zone Phase-I, Industrial infrastructure Development Policy was also taken into account, guidelines for release of land by the Committee were noted and it was held that the "mode and manner in which the Committee had determined whether a particular parcel of land where some industrial activity was taking place should be released or not shows that the committee was extremely fair, just and impartial in considering claims of parties for release of land from acquisition. The Committee had been given detailed guidelines which have been mentioned above. The Committee adhered to these guidelines and did not hesitate from releasing property from acquisition if the case fell within the parameters laid down. The report of the Committee shows that a number of properties were released. Therefore, when a particular property was not released from acquisition it must have been because the cases were not covered by the guidelines. The decision of the Committee in respect of the petitioner's has been given above. Since the petitioner's case was not covered by the guidelines, it was not recommended for release. We are not inclined to interfere with the decision of the expert

body."

So we find that the committee had come to the correct conclusion while considering the petitioner's case and we are not inclined to interfere in the decision of the expert body. In any case the acquired land (19 K-1M) was lying vacant and unutilized. A large portion of the petitioner's land (55 K-12 M) had in any case been left out of acquisition.

This petition is dismissed.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

April 20, 2007
RSK